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**Order Below Exh.4 in
Criminal Appeal No.80/2025**

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(1) Read the application. Heard learned Advocate Mr. V. S. Panchal for the appellants/accused persons and learned Addl. P. P. Mr. J. K. Chauhan for the opponent State. The appellant Nos.1 to 5 (**original accused Nos.1 to 5**) are convicted by the learned Judicial Magistrate First Class, Fatepura for the offence punishable under Section 323, 324 read with Section 114 of the I. P. C. in Criminal Case No.1395/2022 vide the judgment and order dated 06.11.2025 and the appellants have filed criminal appeal against the judgment and order passed by the learned trial Court. This application is filed by the appellants under Section 430(3) of the B. N. S. S. to suspend the order of conviction passed by the learned trial Court till the final decision of the appeal.

(2) Learned Advocate Mr. V. S. Panchal for the appellants submitted that the impugned order of conviction is illegal and unjust and deserves to be set-aside. The appellants have good case on merits and there are all chances of having succeeded in appeal. They are not likely to flee from justice. Out of the appellants, appellant Nos.1 and 2 are service-men while appellant No.3 is an old aged person and appellant Nos.4 and 5 are lady accused. They will regularly remain present before the Court during hearing of appeal. They are residents of Kaliya, Tal.Fatepura, Dist.Dahod and will suffer a lot if they will be kept in jail for uncertain and long period. It is further submitted that the learned trial Court has suspended the implementation of order of conviction for appeal period and the appellants have furnished bail before the learned trial Court. It is submitted that the present appeal is likely to take time for its decision and if the appellants are not released on bail, no purpose of their appeal

will be served. Hence, the order of conviction and sentence may be suspended till the final disposal of appeal and meantime, they may be released on bail.

(3) It appears from the record that vide the impugned judgment and order, the learned trial Court has convicted accused No.1 Rajubhai Ditabhai Machhar, No.2 Dineshbhai Ditabhai Machhar, No.3 Ditabhai Motibhai Machhar, No.4 Meenaben Dineshbhai Machhar and No.5 Rekhaben Rajubhai Machhar for the offence punishable under Section 323, 324 read with Section 114 of the I. P. C. and sentenced to suffer simple imprisonment for a period of 06 (six) months for the offence punishable u/Sec.323, 114 of the I. P. C. with a fine of Rs.1,000/- each and simple imprisonment for a period of 03 (three) years for the offence punishable u/Sec.324, 114 of the I. P. C. with a fine of Rs.1,000/- each and in the case of non-payment of fine amount, to suffer simple imprisonment for a further period of 03 (three) months. The learned trial Court has acquitted all the accused persons i.e. appellants for the offences punishable under Section 504, 506(2) of the I. P. C. As per the certified copy of judgment and order dtd.06.11.2025, the entire amount of fine has already been deposited by the appellants before the learned trial Court. It transpires from the copy of application and order dated 06.11.2025 produced along with this appeal that the learned trial Court has suspended the implementation of the order of conviction and sentence for appeal period. The appellants have remained present before this Court and no breach of conditions is stated to have been committed by the appellants after their release on bail. The learned Advocate for the appellants has assured that the appellants will remain present before the Court regularly during the hearing of appeal. The appellants were on bail during the course of trial. Considering the provision of Sec.430 of

the B.N.S.S. with the term of sentence and submission made by the learned Advocate appearing on behalf of the appellants-accused persons that the appellants will remain present during the pendency of this appeal regularly, the present application to suspend the order of conviction and sentence upon the appellants and to enlarge them on bail during the pendency of appeal, deserves consideration. Accordingly, following order is passed.

-: ORDER :-

1. The present application is hereby allowed.
2. The execution and implementation of the judgment and order of conviction and sentence dated 06.11.2025 to appellant No.1 Rajubhai Ditabhai Machhar, No.2 Dineshbhai Ditabhai Machhar, No.3 Ditabhai Motibhai Machhar, No.4 Meenaben Dineshbhai Machhar and No.5 Rekhaben Rajubhai Machhar passed by the learned Judicial Magistrate First Class, Fatepura in Criminal Case No.1395/2022 are hereby suspended till the final disposal of criminal appeal on following conditions.
 - A) The appellants/accused persons shall furnish a surety to the tune of Rs.10,000/- (Rupees Ten Thousand Only) and a personal bond of like amount each before the Registrar, District Court, Dahod.
 - (B) The appellants/accused persons shall file an undertaking that they will regularly remain present before the Court during the pendency of this appeal.
 - (C) The appellants/accused persons shall furnish at the time of execution of bail bond their full address with authentic proof thereof and shall not change the same without prior permission of the Court.

3. A copy of this order be sent to the Court of the Judicial Magistrate First Class, Fatepura.

Signed and pronounced in the open Court on this 27th Day of November, 2025.

Dt.27.11.2025
Place : Dahod

(Jayendrakumar Navnitlal Vyas)
Sessions Judge,
Dahod.
(Code No.GJ00530)

DSS, EA